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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

THE UNITED STATES OF AMERICA,)
ex rel.)
JULIE LONG,) Civil Action
)
) Plaintiffs) No. 16-12182-FDS
)
)
vs.)
)
JANSSEN BIOTECH, INC.,)
) Defendant

BEFORE: CHIEF JUDGE F. DENNIS SAYLOR, IV

TELEPHONE STATUS CONFERENCE

John Joseph Moakley United States Courthouse
1 Courthouse Way
Boston, MA 02210

September 28, 2021
11:00 a.m.

Valerie A. O'Hara, FCRR, RPR
Official Court Reporter
John Joseph Moakley United States Courthouse
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Boston, MA 02210
E-mail: vaohara@gmail.com

1 APPEARANCES VIA TELEPHONE:

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10 For the Defendant:

11 Covington & Burling LLP, by ETHAN M. POSNER, ESQ.,
12 SARAH TREMONT, ATTORNEY, STACEY K. GRIGSBY, ATTORNEY,
and BRADLEY MARKANO, ESQ., 850 Tenth Street, NW,
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13 ALSO PRESENT:

14 United States Attorney's Office, DAVID J. DERUSHA,
15 ASSISTANT UNITED STATES ATTORNEY, and STEVEN T. SHAROBEM,
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Suite 9200, Boston, Massachusetts 02210.

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1 PROCEEDINGS

2 THE CLERK: Court is now in session in the matter of
3 United States et al, vs. Janssen Biotech, Inc., Civil Action
4 Number 16-12182.

5 Participants are reminded that photographing,
6 recording or rebroadcasting of this hearing is prohibited and
7 may result in sanctions.

8 Would counsel please identify themselves for the
9 record, starting with the government.

11:00AM 10 MR. DERUSHA: Good morning, your Honor, this is David
11 Derusha for the United States.

12 THE COURT: Good morning.

13 MR. SHAROBEM: Good morning. This is Steven Sharobem
14 for the United States as well, your Honor.

15 THE COURT: Good morning.

16 MR. LEOPOLD: Your Honor, this is Ken Leopold on
17 behalf of the plaintiff relators. Along with me from my firm,
18 Cohen Milstein, is Casey Preston, Gary Azorsky, Diana Martin
19 and Leslie Kroeger.

11:00AM 20 THE COURT: Good morning.

21 MR. LEOPOLD: Good morning.

22 MR. POSNER: This is Ethan Posner from Covington &
23 Burling for the defendant. I think we also have for the
24 defendant Stacy Grisby, Sarah Tremont and Bradley Markano.
25 Good morning.

1 THE COURT: All right, good morning, all. This is a
2 status conference in this case. I have pending plaintiff's
3 motion to expand discovery and defendant's motion to enter a
4 scheduling order.

5 I think we can agree that we are at a stage where I
6 need to make that decision as to how the case proceeds from
7 this point forward. Those motions became ripe yesterday, and
8 while my practice, for better, for worse, is I don't like to
9 read motions until I have the opposition in hand, it's easier
10 to keep an open mind.

11 I read them quickly yesterday, and in light of the
12 time, I have not had time to dig into this and think about it
13 clearly, and what I would like to do is not make that decision
14 now but to set a date soon for perhaps fleshing out the memos
15 with oral argument. When I say soon, on the order of a week or
16 so.

17 I apologize if you were all geared up and ready to go
18 on that, but I had not had sufficient time to dig into it, so
19 that's how I would like to proceed, I guess, and does that
20 work, and is there anything else we need to take up?

21 I guess let me hear from the government or the
22 relator.

23 MR. LEOPOLD: Your Honor, this is Mr. Leopold for the
24 relator. We look forward to addressing the issues with the
25 Court. I would just raise one issue with the Court. We do

1 have also a pending motion to compel, which I believe is ripe
2 as well.

3 THE COURT: Was that referred to the magistrate judge?

4 MR. LEOPOLD: We have not seen that yet, your Honor.

5 THE COURT: That should have been referred. Let me
6 double check on that. It may have fallen through the cracks.
7 I'll have to look at that. I don't remember.

8 MR. LEOPOLD: Thank you, your Honor.

9 THE COURT: I'll attend to that quickly. All right.

11:03AM 10 Mr. Posner.

11 MR. POSNER: Yes, your Honor, that plan sounds fine to
12 us, whenever it's convenient for your Honor.

13 THE COURT: Let's do this then. Let's have a we'll
14 call it a motion hearing. Let's do it by Zoom. I can do it at
15 12:00 noon on Friday, this coming Friday, the 1st. Would that
16 work?

17 MR. POSNER: That's fine for us.

18 MR. LEOPOLD: That's fine with us.

19 THE COURT: We'll do a hearing on cross-motions,
11:04AM 20 depending on we'll either make that decision at the time of the
21 hearing or at the conclusion of the hearing or quickly
22 thereafter, and I will take a look at this discovery motion and
23 see where that lands. Okay. Anything else?

24 MR. POSNER: Not for relator, your Honor, thank you
25 for your time.

1 MR. LEOPOLD: Nothing for defendant. Thank you.

2 THE COURT: Thank you. We'll stand in recess.

3 (Whereupon, the hearing was adjourned at
4 11:04 a.m.)

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6 C E R T I F I C A T E

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8 UNITED STATES DISTRICT COURT)

9 DISTRICT OF MASSACHUSETTS) ss.

10 CITY OF BOSTON)

11 I do hereby certify that the foregoing transcript,
12 Pages 1 through 6 inclusive, was recorded by me
13 stenographically at the time and place aforesaid in Civil
14 Action No. 16-12182-FDS, THE UNITED STATES OF AMERICA ex rel.
15 JULIE LONG vs. JANSSEN BIOTECH, INC., and thereafter by me
16 reduced to typewriting and is a true and accurate record of the
17 proceedings.

18 Dated September 20, 2021.

19 s/s Valerie A. O'Hara

20 VALERIE A. O'HARA
21 OFFICIAL COURT REPORTER

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